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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,762	12/02/2003	Shingo Nozawa	03500.017770.	1801
5514 7590 04/02/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER DANG, HUNG Q	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 04/02/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/724,762	<b>Applicant(s)</b> NOZAWA, SHINGO	
	<b>Examiner</b> HUNG Q. DANG	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/05/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 02/11/2008 have been fully considered but they are not persuasive.

At page 10, Applicant argues that "even if a person of ordinary skill is motivated to combine Enari with Kojima et al., any permissible combination would merely result in an instruction to start recording being provided repeatedly (i.e. plurality of times) in encoding the picture sequence shown in Figs. 12A and 12B of Kojima et al." In response, the Examiner respectfully disagrees. As described in the Office Action, Kojima et al. disclose every limitation of the claim language except that the event in Kojima is a scene change. Enari discloses a video recording apparatus that has similar features as Kojima's. However, in Enari, the event to cause the rearrangement of the pictures is an issuance of a recording instruction (Figs. 5). Then the combination of Kojima and Enari is obvious to disclose every limitations of the claim language with the motivation being to achieve a high compression ratio without degrading image quality.

Also at page 10, Applicant argues that Kojima et al. is silent regarding controlling the number of I pictures over all the generated moving image picture groups, and also is silent regarding controlling the recording of picture groups provided before an after an instruction to start recording. In response, the Examiner again respectfully submits that the event in Kojima is a scene change, not an issuance of recording instruction. Then Kojima clearly discloses controlling the number of I pictures over all the generated moving image picture groups by reduction of I pictures at column 10, lines 25-32 and

further illustrated in Fig. 12A and Fig. 12B. Now if combined with Enari to modify the event of scene change into an event of issuance of a recording instruction, the combination obviously discloses controlling the number of I pictures over all the generated moving image picture groups, and also discloses controlling the recording of picture groups provided before an after an instruction to start recording.

The rejections therefore stand as previously presented.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4, and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US Patent 6,057,893) and Enari (US Patent 5,774,624).**

Regarding claim 1, Kojima et al. disclose an image pickup apparatus (column 2, lines 50-65), comprising: image pickup means (column 2, lines 56-58); encoding means for encoding a moving picture signal output from the image pickup means using an intraframe encoding method and an interframe encoding method to generate an encoded image signal (column 2, lines 50-65), the encoded image signal including therein a plurality of picture groups each constituted by an image signal of n frames (n being an integer equal to or larger than two) (Fig. 12A; Fig. 12B) including intraframe-encoded pictures obtained through intraframe encoding processing and interframe-

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encoded pictures obtained through interframe encoding processing (column 2, lines 50-65); recording means for recording the encoded image signal generated by the encoding means on a recording medium (Fig. 6; column 3, line 66 – column 4, line 2); transmission means for transmitting the encoded image signal generated by the encoding means to an external apparatus while maintaining an encoded state of the encoded image signal (Fig. 6; abstract); and control means for controlling the encoding means and the recording means in accordance with an event, occurs during transmission of the encoded image signal by the transmission means, so as to change a number of intraframe-encoded pictures included in one picture group without changing a number of frames included in one picture group when the event occurs so that a number of intraframe-encoded pictures included in each picture group generated after the event occurs is smaller than a number of intraframe-encoded pictures included in each picture group generated before the event occurs (column 10, lines 25-32; Fig. 12A; Fig. 12B).

However, Kojima et al. do not disclose said event to be an issuance of a recording instruction.

Enari discloses an event to cause a change of encoding scheme to be an issuance of a recording instruction (Fig. 5A; Fig. 5B; column 3, lines 50-58).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the apparatus disclosed by Kojima et al. to change the encoding-scheme in accordance to an issuance of a recording instruction as disclosed

by Enari in order to, according to Enari, achieve a high compression ratio without degrading image quality.

Regarding claim 4, Kojima et al. also disclose the control means further controls the encoding means to insert one intraframe-encoded frame into each picture group after the event occurs, which, in combination with Enari is an issuance of a recording instruction as discussed in claim 1 above, and to insert a plurality of intraframe-encoded frames into each picture group before the event occurs (Fig. 12A; Fig. 12B; column 10, lines 24-32).

Regarding claim 25, Kojima et al. disclose an image pickup apparatus (column 2, lines 50-65), comprising: image pickup means (column 2, lines 56-58); encoding means for encoding a moving picture signal output from the image pickup means using an intraframe encoding method and an interframe encoding method to generate an encoded image signal (column 2, lines 50-65), the encoded image signal including therein a plurality of picture groups each constituted by an image signal of n frames (n being an integer equal to or larger than two) (Fig. 12A; Fig. 12B) including intraframe-encoded pictures obtained through intraframe encoding processing and interframe-encoded pictures obtained through interframe encoding processing (column 2, lines 50-65); recording means for recording the encoded image signal generated by the encoding means on a recording medium (Fig. 6; column 3, line 66 – column 4, line 2); transmission means for transmitting the encoded image signal generated by the encoding means to an external apparatus while maintaining an encoded state of the encoded image signal (Fig. 6; abstract); and control means for controlling the encoding

means and the recording means in accordance with an event, occurs during transmission of the encoded image signal by the transmission means, so as to change a rate of intraframe-encoded pictures included in one picture group without changing a rate of frames included in one picture group when the event occurs so that a rate of intraframe-encoded pictures included in each picture group generated after the event occurs is smaller than a rate of intraframe-encoded pictures included in each picture group generated before the event occurs (column 10, lines 25-32; Fig. 12A; Fig. 12B).

However, Kojima et al. do not disclose said event to be an issuance of a recording instruction.

Enari discloses an event to cause a change of encoding scheme to be an issuance of a recording instruction (Fig. 5A; Fig. 5B; column 3, lines 50-58).

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the apparatus disclosed by Kojima et al. to change the encoding-scheme in accordance to an issuance of a recording instruction as disclosed by Enari in order to, according to Enari, achieve a high compression ratio without degrading image quality.

Claim 26 is rejected for the same reason as discussed in claim 4 above.

Claim 27 is rejected for the same reason as discussed in claim 1 above.

Claim 28 is rejected for the same reason as discussed in claim 4 above.

Claim 29 is rejected for the same reason as discussed in claim 25 above.

Claim 30 is rejected for the same reason as discussed in claim 4 above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. DANG whose telephone number is (571)270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621